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Supersedes: April 1, 1995

96.00 Utility Accommodation
96.30 Freeways
96.31 New Installations

By: Director, Bureau of Highway Operations

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A. General Policy

Longitudinal installations on freeway right-of-way shall be limited to communications facilities only. This includes the installation of cellular antennas and associated equipment.

Other utilities shall not be installed longitudinally within the access control lines of any freeway. However, in special cases (see section C), such installations may be permitted under strictly controlled conditions.

B. Longitudinal Requirements

A utility may be charged a fee or provide the Department with communication services for the right to locate its communication facilities longitudinally on freeway right-of-way. When fees or services are warranted, an agreement between the utility and the Department shall be negotiated to determine these and other specific requirements of the installation (e.g. co-location between utility companies) prior to the issuance of a permit. Any fee or services package agreed to by the Department and utilities for freeway occupation is not part of the compensable/non-compensable policy regarding utility relocation. Utilities may receive a prorated share of any initial fee payment if the Department requires the utility to move its facility off of freeway right-of-way for a highway improvement project.

Due to the Department's concerns regarding longitudinal freeway installations with respect to safety, aesthetics, multiple installations through the same corridor, and the proliferation of cellular antennas, special provisions may be warranted for each utility installation. This includes, but is not limited to, requiring:

- 1) Utilities to resolve co-location issues with each other before permits are issued.
- 2) Access restrictions to a site during construction and maintenance of the facility.
- 3) A full-time inspector representing the Department paid for by the utility.
- 4) A full-time traffic control provider.
- 5) Installation of a duct (conduit) system and/or placement of its facility within a duct.

- 6) Replacement of damaged or destroyed trees/vegetation or transplanting trees that can be saved at the discretion of the Department. See policies 96.50(G) and 96.54(B) for additional requirements.

C. Occupation for Special Cases

The Department recognizes that a utility may need to longitudinally occupy freeway right-of-way in special or hardship situations. When longitudinal facility installations other than communications are requested, the utility shall show to the Department's satisfaction:

1. That alternate locations are not available or cannot be implemented at reasonable cost from the standpoint of providing efficient utility services in a manner conducive to safety, durability, and economy of maintenance and operations.
2. That the accommodation will not adversely affect highway and traffic safety, **and** the design, construction, operation, maintenance, or stability of the freeway
3. That it will not interfere with or impair the present use or future expansion of the freeway.
4. That disapproval of the use of freeway right-of-way would result in a loss of productive agricultural land, or loss of productivity of agricultural land. In this case, the utility must provide information on the direct and indirect environmental and economic effects of such loss. These effects will be evaluated and considered by the Department.
5. That the accommodation satisfies the conditions of policy 96.35.
6. That the facility will be located at or as near as practical to the right-of-way line and in no case within the clear zone.

Utilities shall not be allowed to be installed longitudinally within the median area.

A fee may be charged to a utility for longitudinal occupation, especially if the distance to be covered is over one mile.